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ROLL CALL

Present: Council Members - Hinchman, Pennino,  
Sieglock, Snider, and Pinkerton (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney McNatt, and City Clerk Reimche

INVOCATION

The invocation was given by Envoy Timothy Arnhold of the Salvation Army.

PLEDGE OF  
ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pinkerton.

## PRESENTATIONS

There were no awards, proclamations or presentations.

## CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Snider, Pennino second, approved the following items hereinafter set forth.

Council Member Snider abstained from discussion and voting on Agenda item #E-11 entitled, "Proposed completion of Anagnos Reorganization, including annexation to the City of Lodi and detachment from certain districts (located at the northeast corner of Kettleman Lane and Lower Sacramento Road)" because of a possible conflict of interest.

[illegible]

CLAIMS CC-21(a)

Claims were approved in the amount of \$3,244,771.15.

## MINUTES

The Minutes of the December 10, 1991 (Adjourned Meeting) were approved as written.

RENEWAL OF CONTRACTS WITH NATIONAL  
ADVERTISING COMPANY FOR RENTAL OF TWO  
BILLBOARDS LOCATED ON HIGHWAY 99  
ENTRANCES TO CITY OF LODI APPROVED

CC-6

CC-59

The City Council approved the renewal of contracts with National Advertising Company for rental of two billboards located on Highway 99 entrances to the City of Lodi.

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LOCATION	EFFECTIVE DATE	MONTHLY UNIT CHARGE
Highway 99, East side 0.5 miles s/o Armstrong Road	March 1, 1992	\$814.00
Highway 99, West side n/o Peltier Road	April 1, 1992	\$814.00

The monthly unit charge shown above is applicable only to the first 12 months of the agreement term. A 9-1/2% per year increase in the monthly unit charge will be applicable to each succeeding year, commencing on each anniversary of the effective date of the agreement.

#### REPORT REGARDING SALE OF SURPLUS TELEPHONE EQUIPMENT

CC-20 The City Council was advised that the City is in the  
CC-47 process of upgrading its existing telephone system. Included with the upgrade is the replacement of old equipment which will not be compatible with the new software. Four key systems, one call accounting system, and various miscellaneous telephone equipment will be replaced with new equipment as part of the project.

The City will have no further use for the aforementioned equipment and will attempt to sell the key systems, old telephone sets, and the call accounting system.

#### REPORT OF THE SALE OF CITY PROPERTY

CC-20 This report of the sale of City property was presented as  
CC-47 required by City Code Section 2.12.120:

1 Hewlett-Packard HP1000 minicomputer system: \$4,501.00

The Public Works Department purchased the HP1000 system approximately 5 years ago for use in computer-aided drafting and mapping. With changes in computer technology, the drafting and mapping work has been moved to the faster, more versatile PC-based systems in the department, making the HP1000 obsolete.

On August 7, 1991, the City Council authorized advertisement for bids for the sale of the system. Three potential bidders expressed interest in the system; one responded with a bid which was opened on November 25, 1991:

Crisis Computer Corporation, San Jose \$4,501.00

The sale was completed on December 9, 1991.

PLANS AND SPECIFICATIONS AND  
ADVERTISEMENT FOR BIDS FOR CHEROKEE  
LANE STREET IMPROVEMENTS, 200 FEET  
SOUTH OF KETTLEMAN LANE TO POPLAR STREET

CC-12.1(c)           The City Council approved the plans and specifications for Cherokee Lane Improvements, 200 feet south of Kettleman Lane to Poplar Street and authorized the advertising for bids thereon.

This project consists of reconstructing the left-turn pockets on Cherokee Lane at Kettleman Lane. Also included in the project is the installation of pavement reinforcing fabric and an asphalt concrete overlay on the north-bound lanes from 200 feet south of Kettleman Lane to Kettleman Lane and the south-bound lanes from Poplar Street to Kettleman Lane.

The specifications require that the project be phased so that at least one travel lane in each direction will be open to traffic at all times.

This project was originally budgeted to improve the Cherokee Lane approaches at Kettleman Lane only. Further engineering studies have extended the limits of the project, hence an additional appropriation will be recommended at the time of bid award.

PURCHASE OF TURF FERTILIZER FOR  
PARKS DEPARTMENT

RESOLUTION NO. 92-1

CC-12(d)           The City Council adopted Resolution No. 92-1 awarding the  
CC-300           purchase of 20 tons of Best "Turf Gold" commercial turf  
                  fertilizer to the low bidder, Turf Tech of Sacramento, in  
                  the amount of \$8,921.70.

The City Council was advised that on December 4, 1991, the City Council authorized advertisement for bids for the purchase of 20 tons of Best "Turf Gold" commercial fertilizer. Bids were opened on December 18, 1991, with the following results:

Turf Tech, Sacramento	\$8,921.70
San Joaquin Sulphur, Lodi	9,033.76
Wilbur-Ellis, Stockton	9,204.87
Orchard Supply Co., Sacramento	9,339.77
Lockhart Seeds, Stockton	9,645.78

Each year the Parks Department purchases fertilizer for use on the City's 208 acres of parks. Experience has shown that Best "Turf Gold" yields a lower annual cost per acre than a water-soluble or agricultural blend fertilizer, due

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to a longer nitrogen release time, requiring fewer applications per year.

PURCHASE OF 210 HIGH PRESSURE SODIUM  
LUMINAIRES

RESOLUTION NO. 92-6

CC-12(b)                    The City Council adopted Resolution No. 92-6 rejecting the  
CC-300                    bids received for the purchase of 210 high pressure sodium  
                                 luminaires and authorizing readvertizing for bids thereon.

ACCEPTANCE OF IMPROVEMENTS UNDER  
LANE LINE PAINTING, VARIOUS STREETS,  
1991 CONTRACT

CC-90                    The City Council accepted the improvements for "Lane Line  
                                 Painting, Various Streets, 1991" and directed the Public  
                                 Works Director to file a Notice of Completion with the  
                                 County Recorder's office.

The contract was awarded to Traffic Limited, Lodi on  
October 2, 1991, in the amount of \$21,899.66. The contract  
has been completed in substantial conformance with the  
specifications approved by the City Council on September 4,  
1991.

The contract completion date was December 4, 1991.

PUBLIC HEARING SET TO CONSIDER ADOPTION  
OF THE UPDATED URBAN WATER MANAGEMENT  
PLAN AND WATER SHORTAGE CONTINGENCY PLAN

CC-183(d)                The City Council set a public hearing for January 15, 1992  
                                 to discuss the adoption of required updating of Lodi's  
                                 Urban Water Management Plan.

The City Council was advised that Assembly Bill 11  
(Filante, 1991) requires by January 31, 1992 the adoption  
of a water shortage contingency plan to be included in the  
Urban Water Management Plan. Additionally, the City missed  
a required updating of the original Urban Water Management  
Plan due December 31, 1990. The Urban Water Management  
Plan includes both the updating of the original plan and  
the water shortage contingency plan. The adoption process  
requires a public hearing and adoption by the City Council.

PROPOSED COMPLETION OF ANAGNOS REORGANIZATION,  
INCLUDING ANNEXATION TO THE CITY OF LODI AND  
DETACHMENT FROM CERTAIN DISTRICTS (LOCATED  
AT THE NORTHEAST CORNER OF KETTLEMAN  
LANE AND LOWER SACRAMENTO ROAD)

RESOLUTION NO. 92-3

CC-8(a) Council Member Snider abstained from discussion and voting  
CC-300 on the following matter because of a possible conflict of  
interest.

The City Council adopted Resolution No. 92-3 entitled, "A Resolution of the Lodi City Council Ordering the Anagnos Reorganization (LAFC 19-91) Without Notice and Hearing, Including Annexation to the City of Lodi, and Detachment from the Woodbridge Fire District and the SJC Resource Conservation District".

The City Council was advised that on October 2, 1991 the City Council adopted Resolution No. 91-180 entitled, "A Resolution of the Lodi City Council for Application to the San Joaquin County Local Agency Formation Commission in the matter of the Proposed 'Anagnos Addition' Including the Detachment of Certain Territory Within the Area Proposed for Annexation to the City of Lodi".

Following a public hearing regarding the matter held on December 6, 1991 by the San Joaquin County Local Agency Formation Commission, LAFCO adopted Resolution No. 841 approving the Anagnos Reorganization (LAFCO 19-91) Including Annexation to the City of Lodi and Detachment from the Woodbridge Fire District and the SJC Resource Conservation District with the following condition:

- a) The City of Lodi shall initiate separate proceedings to propose annexation of the three parcels located immediately north along Lower Sacramento Road, containing about 9 acres.

The Anagnos Addition encompasses three parcels, 801 East State Route 12 (APN 027-040-30), 901 East State Route 12 (APN 027-040-29) and 1081 East State Route 12 (APN 027-040-14). It contains approximately 26.43 acres and is located at the northeast corner of Lower Sacramento Road and State Route 12 (Kettleman Lane).

The parcels were rezoned C-S, Commercial Shopping Center by Ordinance No. 1520 adopted September 18, 1991.

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EMPLOYEE UNITS COMPENSATION SCHEDULES  
FOR DISPATCHERS UNIT AND MAINTENANCE AND  
OPERATORS UNIT AMENDED

RESOLUTION NOS. 92-4 AND 92-5

CC-34                    The City Council adopted Resolution No. 92-4 amending the  
CC-300                    salary schedule for Police Dispatchers Unit and  
                         discontinuing any City contributions to the Deferred  
                         Compensation Program and adopted Resolution No. 92-5  
                         amending the salary schedule for Maintenance and Operators  
                         both to become effective January 6, 1992.

The City Council was advised that recent negotiations with the Police Dispatchers Unit calls for a salary increase effective the pay period beginning January 6, 1992. On the same date, the City is discontinuing its contribution to employees' deferred compensation accounts.

Further, the City Council was advised that the City has entered into a Memorandum of Understanding with the Maintenance and Operator Unit. That agreement calls for adjustment to certain classifications effective January 6, 1992.

EXTENSION BY LESSEE LODI GRAPE  
FESTIVAL OF LEASE FOR CITY PROPERTY  
AT LODI STADIUM AND LAWRENCE PARK APPROVED

CC-90                    The City Council was advised that on October 7, 1983 and March 20, 1985 respectively, the City of Lodi leased to the Grape Festival and Wine Show, certain property at the Lodi Stadium and in Lawrence Park. These leases were for 7 and 10 years respectively.

Both leases contained a provision giving the lessee the option of extending the lease for one 10-year period. The Grape Festival Board of Directors has now chosen to exercise that option on both leases. A letter dated November 21, 1991 indicating that desire was presented for City Council review.

All terms of the existing leases would remain the same, since the lessee has an absolute right to extend the leases for the 10-year period on the terms specified.

REPORT REGARDING AWARDING OF CONTRACT  
FOR REMOVAL OF ABANDONED VEHICLES

CC-90                    The City Council was advised by City Attorney McNatt that questions have recently arisen about the manner in which the City awarded the contract to Stubbs Paint & Body for removal of abandoned vehicles. The following is a brief overview of events with reference to applicable law.

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According to City files, Guthrie, Inc., DBA Stubb's Auto Body & Paint, had an agreement with the City of Lodi for removal of abandoned automobiles dating back to at least 1985. The agreement lapsed and was not extended because of a 1989 federal court case from Santa Ana, California which called into question the authority and procedures used to abate non-operative cars.

After some clarification of the Santa Ana case, it was determined that the City could once again abate abandoned autos. There were numerous discussions between the Community Development Department and myself over the appropriate manner of handling the situation. It was the feeling of the Community Development Department that the contract should not be put out to competitive bid since we had a long and satisfactory relationship with Stubbs Paint & Body, and also due to the fact that no other towing service at that time expressed any interest whatsoever in submitting a proposal.

Under Municipal Code Section 2.30.070, contracts for services would normally go to competitive bid. However, that section allows the City Council to determine that such competitive methods can be dispensed with where it would be "in the best interests of the city" or where there is a sole source supplier. I believe that was the position taken when this contract was awarded. There are no other State statutes of which I am aware requiring this sort of contract to be put to public bid, since it is not a "public works contract" under applicable State law.

COMPENSATION SCHEDULE FOR EMPLOYEES  
IN THE ELECTRIC UTILITY UNIT AMENDED

RESOLUTION NO. 92-2

CC-34                    The City Council adopted Resolution No. 92-2 authorizing an  
CC-300                    across the board four percent (4.0%) salary increase for  
                         all classes represented by International Brotherhood of  
                         Electrical Workers (IBEW) Local 1245 in the Electric  
                         Utility Unit, effective the pay period beginning December  
                         23, 1991.

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COMMENTS BY CITY  
COUNCIL MEMBERS

The following comments were received under the "Comments by City Council Members" segment of the agenda:

NEW YEAR'S EVE PROGRAM TO KEEP DUI  
DRIVERS OFF THE ROAD APPLAUDED

CC-24(b)                    Mayor Pro Tempore Pennino stated that he rode with the  
                         Police Department on New Year's Eve and complimented the

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Police Department and Dial-A-Ride for their efforts in attempting to keep DUI drivers off the road.

REQUEST TO EXTEND LATE NIGHT  
BASKETBALL PROGRAM

CC-40 Council Member Sieglock indicated that he had recently volunteered time with the Late Night Basketball Program and complimented the Parks and Recreation Department and the Police Department for their efforts on behalf of this program. Mr. Sieglock further stated that he would like to see this program continued.

LIQUOR LICENSE APPLICATION PROCESS EXPLAINED

CC-7(f) Mayor Pinkerton responded to a recent "Letter to the Editor" which appeared in the Lodi New Sentinel regarding the granting of liquor licenses indicating that the City Council does not approve or disapprove these licenses and advised that these licenses are issued by the State Department of Alcoholic Beverage Control.

TRAFFIC FINE FORMULA EXPLAINED BY CITY ATTORNEY

CC-6 Mayor Pinkerton indicated that he had received a number of  
CC-152 inquiries regarding the increase in traffic ticket fines. City Attorney McNatt gave a brief report on the formula set by the State of California and the Courts in establishing the amount of traffic ticket fines.

COMMENTS BY THE  
PUBLIC ON NON  
AGENDA ITEMS

No comments were received under the "Comments by the public on non-agenda items" segment of the agenda.

PUBLIC HEARINGS

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider the adoption of an urgency ordinance to require water meters on all new water services.

URGENCY ORDINANCE REQUIRING WATER  
METERS ON ALL NEW WATER SERVICES

URGENCY ORDINANCE NO. 1541 ADOPTED

CC-149 The City Council was advised that the proposed Urgency  
CC-183(g) Ordinance to require water meters on all new water services is required by Senate Bill 229. Other changes in language were made to update Lodi Municipal Code 13.08, Water Service, Article I.

It was also recommended by staff that the following section on billing adjustments be added to section 13.08 of the



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proposed urgency ordinance. This addition only formalizes the City's current practice for billing adjustments.

13.08.070 Billing adjustment.

When it is found that any charges for water service, connections, installations, abandonments, etc., have been incorrectly billed or that no billing has occurred, the City has the right to make adjustments as determined by the Public Works Director. Billings for undercharges or credits for overcharges shall be subject to the three-year limitation period found in the California Code of Civil Procedure, Section 338.

There being no persons wishing to address the City Council regarding the matter, the public portion of the meeting was closed.

On motion of Council Member Hinchman, Pennino second, the City Council adopted Urgency Ordinance No. 1541 entitled, "An Urgency Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.08 - 'Water Service'", including the following section:

13.08.070 Billing Adjustment

When it is found that any charges for water service, connections, installations, abandonments, etc, have been incorrectly billed or that no billing has occurred, the City has the right to make adjustments as determined by the Public Works Director. Billings for undercharges or credits for overcharges shall be subject to the three-year limitation period found in the California Code of Civil Procedure, Section 338.

Ordinance No. 1541 passed by an unanimous vote of the City Council.

PLANNING COMMISSION The City Council was advised that there had been no Planning Commission Meeting since the City Council received the last report.

COMMUNICATIONS  
(CITY CLERK)

CLAIMS CC-4(c) On recommendation of the City Attorney and Insurance Consulting Associates, Inc., the City Council, on motion of Council Member Snider, Hinchman second denied the following verified claims:

- a) Judith and Don Smith, dba Mom's Kitchen, date of loss, 12/10/91; and

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- b) Sergio Valenzuela vs City of Lodi, date of loss 11/14/91.

ABC LICENSE  
APPLICATIONS

- CC-7(f) City Clerk Reimche presented an application for Alcoholic Beverage Control License which had been received for Joseph Canepa, The Opponent, 112 South Cherokee Lane, Lodi, On Sale Beer, Original License.

LETTER RECEIVED ASKING THAT TRUCKS  
NOT BE ALLOWED TO PARK THE ENTIRE  
LENGTH OF NORTH MILLS AVENUE

- CC-45(a) City Clerk Reimche read a letter received from L. Benson,  
CC-48(a) 714 North Mills Avenue, Lodi asking that trucks not be  
allowed to park the entire length of North Mills Avenue.  
The matter was referred to staff.

JOINT MEETING WITH LODI PARKS  
AND RECREATION DEPARTMENT

At approximately 8:05 p.m., the City Council adjourned to a Special Joint Meeting with the Lodi Parks and Recreation Commission.

The City Council reconvened at approximately 9:30 p.m.

ORDINANCES There were no ordinance for adoption at this meeting.

REGULAR CALENDAR No items appeared on this agenda under the Regular Calendar.

CLOSED SESSION

- CC-200(d) At approximately 9:30 p.m., the City Council adjourned to a Closed Session regarding USA (WAPA) v. PG&E, NCPA and Cities Case No. C-88-1600-WWS, United States District Court, Northern District of California.

Council Member Pennino indicated that he wished to abstain from discussion and voting on the matter and excused himself from attending the Closed Session.

The City Council reconvened at approximately 9:45 p.m.

On motion of Council Member Hinchman, Snider second, the City Council voted to dismiss Lodi's cross-appeal in the hereinafter listed matter.

USA (WAPA) v. PG&E, NCPA, and Cities Case No. C-88-1600-WWS, United States District Court, Northern District of California

The motion carried by the following vote:

Ayes: Council Members - Hinchman, Sieglock, Snider, and  
Pinkerton (Mayor)

Noes: Council Members - None

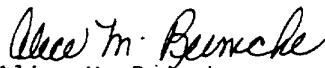
Absent: Council Members - None

Abstain: Council Members - Pennino

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 9:45 p.m.

ATTEST:

  
Alice M. Reimche  
City Clerk